

REMARKS

Rejection of Claim Under 35 U.S.C. §103(a)

In the Office Action mailed May 21, 2003, the Examiner rejected claims 22 and 27-35 under 35 U.S.C. §103(a) as being unpatentable over Parker (U.S. Patent No. 5,712,020) in view of Rosner (U.S. Patent No. 4,474,110).

In support thereof, the Examiner stated:

Parker discloses a method for providing a packing material in the form of decorative grass wherein the packing material comprises a plurality of individual segments (see column 3, lines 33-38). The method disclosed by Parker comprises the steps of providing a roll of material having a printed and embossed patterns disposed on at least a portion of one surface thereof (see column 6, lines 11-17; and column 13, line 66 through column 14, line 1); withdrawing a portion of the material from the roll (see column 14, lines 7-8); slitting the material to provide a slit web (see column 15, lines 40-44); and cutting the web of material to provide a plurality of segments (see column 14, lines 10-14).

Parker does not directly disclose a printed design which creates a three-dimensional printed pattern on a surface of the elongated segments; however, it is well known in the art to print sheet materials with foamable inks (see column 8, lines 28-47 of Rosner).

It would have been obvious to one having ordinary skill in the art to print the sheet material of Parker with any known type of ink for the printed design. The application of a foamable ink onto the elongated segments would inherently produce a three-dimensional printed pattern. Furthermore, it is within the level of one having ordinary skill in the art to provide the elongated segments with both foamable and non-foamable inks, depending on the desired appearance of the segments.

Parker also does not disclose that the printed designs or printed materials and the embossing are out of registry; however, this is simply a design choice that would have been obvious to one having ordinary skill in the art.

Applicant respectfully traverses the 35 U.S.C. §103(a) rejection of claims 22 and 27-35 for the reasons stated herein:

Independent claim 22 therefore claims 27-35 which depend therefrom recite a method for providing a packing material in the form of a decorative grass wherein the packing material comprises a plurality of elongated segments having a first and a second three-dimensional foamable ink printed pattern on at least one surface thereof. The method comprising the steps of: providing a roll of material; applying a first foamable ink to at least a portion of the upper surface of the roll of material to provide the first three-dimensional pattern; applying a second foamable ink to at least a portion of the upper surface of the roll of material to provide a roll of material having a first and second three-dimensional pattern; withdrawing a portion of material from the roll of material; slitting the portion of material withdrawn from the roll of material to provide a slit web of material having the first three-dimensional pattern and second three-dimensional pattern, and cutting the slit web to provide a plurality of segments having a first three-dimensional pattern and a second three dimensional pattern.

Parker teaches an apparatus and methods for rapidly producing large quantities of bulk packaging material comprising folded and crimped, interlocking strips of sheet material. The invention includes an attachment, such as a movable barrier, for a commercial shredding machine or device. A

sheet material, such a mylar, paper, cardboard, or the like, is fed through the shredding device and impacted or impelled against the attachment barrier after having passed through a series of cutting blades in the shredding device. The barrier causes the shredded sheet material to become controllably jammed between the barrier and the cutting blades of the shredding device. The continued rotation of the cutting blades forces additional amounts of sheet material into the shredding device. As a result, each shredded strip of sheet material is folded against itself in a relatively controlled manner, thereby, repetitively folding and crimping or creasing each strip and compacting it within a confined space or area against a remaining dam of jammed shredded strips. The resulting effect is the folding or crimping of each cut strip into an accordion-shaped mass (col. 3, lines 39-67 and col. 4, lines 1-17).

If one were to provide a printed pattern by application of foamable ink to a material, as taught by Rosner, and fold and/or crimp the material, as taught by Parker, the open cell structure of the foamable ink and the accompanying fragile nature of the dried foamable ink would cause the printed pattern to undoubtably crack, flake, blur and/or stick together, thereby destroying all aesthetic value of the printed pattern. Therefore, the combination of Parker and Rosner would destroy the heart of the inventive concept taught by Rosner.

Therefore, Applicant respectfully submits that the claims are in a condition for allowance. As such, the Examiner is urged to expediently pass them to issuance.

Conclusion

In view of the above, applicant respectfully submits the claims are now in a condition for allowance and requests issuance of a Notice of Allowance thereof.

Respectfully submitted,



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PATENT

Applicant: Donald E. Weder
 Serial No.: 10/091,901
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